

The Little Traverse Bay Bands of Odawa Indians
February 20, 2005
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 9:40 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Absent: Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount-Executive Assistant, Albert Colby, Jr.-Tribal Administrator, Valerie Tweedie-Chief Financial Officer, John Espinosa-General Manager-Victories Casino & Hotel, Barry Crowell-Controller-Victories Casino & Hotel

Commission, Boards and Committees: Richard Wemigwase-Chairman-Elders Advisory Board, Sherry Patton-Chairperson-Gaming Board of Directors, Beverly Wemigwase-Chairperson-Gaming Regulatory Commission, Julie Shananaquet-Gaming Regulatory Commission, Tim LaCroix-Gaming Regulatory Commission, John Keshick III-Chairperson-Natural Resource Commission, Cheryl Kishigo-Chairperson-Economic Development Commission, John Bott-Economic Development Commission, William McNamara-Natural Resource Commission Secretary

Guests: Carol McFall, Warren Petoskey, Sharon Sierzputowski, Harvey Gibson, Douglas Wemigwase, Andrew Stich, Brittany Bentley, Judy Pierzynowski, Doug Craven, Jacy Greensky, Crystal Greensky, Ray Greensky

Opening Ceremony: Frank Ettawageshik

Motion made by Councilor Regina Gasco Bentley and supported by Treasurer Alice Yellowbank to adopt the agenda for February 20, 2005 as amended.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to approve the minutes of February 6, 2005 as amended.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to accept the Elder's verbal report as presented by Richard Wemigwase, Chairperson.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to accept the verbal and written Treasurer's report as presented by the C.F.O., Valerie Tweedie for February 20, 2005.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to accept the verbal and written report from the Gaming Board of Director's Chairperson, Sherri Patton, for February 20, 2005.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to accept the Gaming Regulatory Commission's report given by Chairperson, Beverly Wemigwase, for February 20, 2005, presented verbal and written.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

10:38 a.m. Recess called

11:01 a.m. Meeting reconvened

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to accept Tribal Administrator's report given by Albert Colby, Jr., verbal and written for February 20, 2005.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to approve a 3 x 5 Tribal Flag for the Beaver Island dock.
Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained
Motion Carried

11:48 a.m. Public Comment opened: Warren Petoskey, Andrew Stich, Carol McFall
11:53 a.m. Public Comment closed

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to accept the verbal and written report presented by Tribal Chairman, Frank Ettawageshik for February 20, 2005 as presented.
Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve FY 2005 travel to National Congress of American Indians meetings for Douglas Wemigwase, National Congress of American Indians Youth Commission, Secretary in the amount not to exceed \$7,000 to come from prior year funds.
Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained
Motion Carried

12:22 p.m. lunch recess called until 1:50 p.m.
2:10 p.m. Meeting reconvened

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Fred Harrington, Jr., to pledge a total of \$15,000.00 to the National Congress of American Indians' Capital Campaign for Building Purchase payable at \$5,000.00 per year for three years to come from the Grants and Donations line item.
Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained
Motion Carried

2:26 p.m. recess called
2:32 p.m. meeting reconvened

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Fred Harrington, Jr., to accept Legal's verbal and written report for February 20, 2005 as presented by James Bransky, General Counsel.
Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to take the following actions to prepare to defend a lawsuit by the State of Michigan on the issue of Little Traverse Bay Bands of Odawa Indian's withholding of the 8% payments under the Class III Gaming Compact: 1. Appropriate an additional \$350,000 to the Legal Department budget to cover expert consultant, legal and miscellaneous legal expenses, 2. Authorize an increase up to an additional \$150,000 in compensation and expenses under the contract with Kanji & Katzen, PLLC, and 3. Authorize the Tribal Chairman to execute contracts with expert consultants and witnesses as recommended by the Tribe's Legal Department and special counsel Kanji & Katzen. Funds to come from the General Fund.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #022005-01 Waiver of Sovereign Immunity to Resolve 8% Payment Issue.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-absent, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve the General Counsel contract for Attorney James Bransky to commence February 20, 2005 and ending February 19, 2011, and authorize the Tribal Chairman to sign.

Vote: 4 Yes, 1 No (Councilor Fred Harrington, Jr.), 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve the Clinic Physician Employment Contract to commence February 1, 2005, and ending January 31, 2011 and authorize the Tribal Chairman to sign subject to clarification of section 19 of the contract with the Tribal Chairman and the Physician in consultation with the Legal Department and the C.F.O.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Secretary Dexter McNamara to adopt Waganakising Odawak Statute Natural Resources Commission Amendment and Repeal of Statutory Inland Regulations.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-absent, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes,

Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-no, Councilor Regina Gasco Bentley=yes
Motion Carried

4:09 p.m. Councilor Fred Harrington, Jr. leaves

4:10 p.m. Public comment opened

4:11 p.m. Public Comment closed

4:12 p.m. Councilor Fred Harrington, Jr. returns

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr. to approve Burial Request #A0093-a in the amount of \$85.06.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to clarify the motion of February 6, 2005, to approve Burial Fund request #A0092 for \$6,714.48 to read, to approve Burial Fund request #A0094 for \$6,714.48.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to approve Burial Fund request #A0095 in the amount of \$6,638.42.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to place Native American Employee Recruitment and Retention and Educational Encouragement Act on the Legislative Agenda, sponsored by Tribal Member Doug Craven.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Treasurer Alice Yellowbank to approve \$3,500 for Anishnabek Ekinoomoonhjik Waawyi'ak student group to help 12 students attend the Anishnabemowin Teg Conference in March 2005, funding to come from the Cultural line item.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

4:41 p.m. Motion made by Councilor Regina Gasco Bentley and supported by Councilor Fred Harrington, Jr., to adjourn.

Vote: 5 Yes, 0 No, 2 Absent (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date